

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dominguez et al.

Attorney Docket No.: VISAP073

Application No.: 10/660,263

Examiner: Backer, Firmin

Filed: September 10, 2003

Group: 3621

Title: DATA AUTHENTICATION AND
PROVISIONING METHOD AND SYSTEM

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on September 1, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: _____

Ann Lowe

INFORMATION DISCLOSURE STATEMENT
37 CFR §§1.56 AND 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references listed in the attached PTO Form 1449, copies of which are attached, may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make these references of official record in this application.

Applicant is involved in litigation with Starpay.com LLC et al.. Starpay has alleged that Applicant infringes U.S. Patent No. 5,903,878 by virtue of Applicant's "Verified by Visa" service. As part of that litigation, Applicant has produced the attached document "Defendant's Preliminary Invalidity Contentions" that provides prior art showing that U.S. Patent No. 5,903,878 is invalid. Because the instant patent application covers an aspect of the Verified by Visa service, Applicant is providing the attached document as part of its duty of disclosure.

Applicant also has in its possession a CD-ROM including 2,000 plus pages of prior art that was turned up in the search to invalidate U.S. Patent No. 5,903,878, and that was used as a basis for the attached "Invalidity Contentions". Applicant believes that the art cited in the attached "Invalidity Contentions" will be the most relevant prior art for the purposes of the Examiner and is more reasonable in length. Nevertheless, should the Examiner so desire, Applicant will provide any document contained in the CD-ROM or the complete disc.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is: (i) filed within three (3) months of the filing date of the above-referenced application, (ii) believed to be filed before the mailing date of a first Office Action on the merits, or (iii) believed to be filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. VISAP0703).

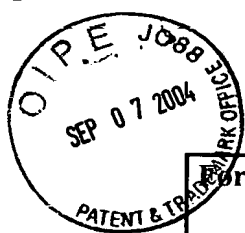
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Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'Jonathan O. Scott', is written over the printed name.

Jonathan O. Scott
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| Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary) | Atty Docket No. VISAP073 Applicant: Dominguez et al. Filing Date September 10, 2003 | Application No.: 10/660,263 Group 3621 |
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U.S. Patent Documents

| Examiner Initial | No. | Patent No. | Date | Patentee | Class | Sub- class | Filing Date |
|---------------------|-----|------------|------|----------|-------|---------------|----------------|
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Foreign Patent or Published Foreign Patent Application

| Examiner Initial | No. | Document No. | Publication Date | Country or Patent Office | Class | Sub- class | Translation | |
|---------------------|-----|-----------------|---------------------|-----------------------------|-------|---------------|-------------|----|
| | | | | | | | Yes | No |
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Other Documents

| Examiner Initial | No. | Author, Title, Date, Place (e.g. Journal) of Publication |
|---------------------|-----|---|
| | 1. | United States District Court for the Northern District of Texas; Civil Action No.: CIV 3-03CV0976-L; "Defendants' Preliminary Invalidity Contentions"; Starpay.com, L.L.C., Plaintiffs vs. Visa International Service Associate and Visa U.S.A. Inc., Defendants; May 28, 2004. |
| | | |
| | | |
| Examiner | | Date Considered |

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.